

## EUROPEAN ECONOMIC AREA

# EFTA SURVEILLANCE AUTHORITY

### RULES OF PROCEDURE OF THE EFTA SURVEILLANCE AUTHORITY

#### THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the first paragraph of Article 108 of the Agreement on the European Economic Area and to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, in particular Article 13 thereof,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE :

#### CHAPTER I

#### THE ORGANIZATION OF WORK OF THE EFTA SURVEILLANCE AUTHORITY

##### *Article 1*

The Members of the EFTA Surveillance Authority shall act collectively in accordance with the present rules and, in acting so, constitute the College.

##### *Article 2*

In the performance of its official functions, the College shall be assisted by eight departments, namely the executive secretariat, five directorates, the legal service and administration.

The College shall establish a table of duties, in which the functions of the departments are so defined as to minimize overlapping and duplication.

##### *Article 3*

The departments shall work in close cooperation.

Before submitting a proposal for a decision to the College, the department preparing the proposal shall consult all other departments which, according to the table of duties or from the nature of the subject, are concerned in the matter. The legal service shall be consulted on proposals for legal instruments and

measures which may have legal implications. Administration shall be consulted on proposals which may have budgetary implications.

The department preparing a proposal shall endeavour to reach agreement with the department(s) consulted on a single proposal. In the event of disagreement, the differing views expressed by the latter department(s) shall be mentioned when submitting the proposal to the College.

##### *Article 4*

The College may set up interdepartmental working groups to deal with particular matters. It shall appoint the chairperson of any such group and determine the mandate and method of operation of the group.

#### CHAPTER II

#### MEETINGS OF THE COLLEGE

##### *Article 5*

Meetings of the College shall be convened by the President.

The College shall, as a general rule, meet once a week. Additional meetings shall be held whenever necessary.

##### *Article 6*

The President shall issue the draft agenda for a meeting. Any item put forward by a Member for inclusion must be placed on the draft agenda.

Unless otherwise decided, the draft agenda and the necessary working documents must be distributed to the Members at least three working days before the day of the meeting.

If requested by a Member, the College shall defer the discussion of an item on the draft agenda to a later meeting, unless the deferment would, due to stipulated time limits, prevent the College from taking a decision on the matter.

The College, having before in the draft agenda and any requests for amendments thereto, shall approve the agenda at the meeting. It may decide unanimously to discuss a question which is not on the draft agenda or in respect of which the necessary working documents have been distributed after the stipulated time limit.

*Article 7*

The President shall take the chair at meetings.

*Article 8*

Three Members present shall constitute a quorum.

*Article 9*

Meetings of the College shall not be public. Deliberations shall be and shall remain confidential.

*Article 10*

Save as otherwise decided by the College, the Executive Secretary shall attend meetings.

The President may, on his own initiative or at the request of a Member, invite certain officials of the EFTA Surveillance Authority to be present for the whole or part of a meeting and to speak.

The College may, by way of exception, decide to hear any other person at a meeting.

*Article 11*

Minutes shall be taken of all meetings of the College.

The draft minutes shall be submitted to the Members for approval at a subsequent meeting. The approved minutes shall be authenticated by the signature of the President and counter-signed by the Executive Secretary.

CHAPTER III

**DECISIONS OF THE EFTA SURVEILLANCE AUTHORITY**

*Article 12*

Decisions of the EFTA Surveillance Authority shall be taken at meetings of the College, by means of written procedure in accordance with Article 14 or by delegation in accordance with Article 15.

*Article 13*

For a decision to be taken at a meeting of the College, at least three votes in favour of the decision shall be required.

*Article 14*

On a proposal by a Member, the College may take a decision by means of a written procedure.

For this purpose, the text of the proposed decision shall be distributed to all Members, with a time limit of at least five working days or, in exceptional cases and subject to authorization by the President, at least three working days for them to submit comments on the proposal.

Any Member may, in the course of the written procedure, request that the proposal be discussed at a meeting. In such case, the matter shall be placed on the agenda of the next meeting of the College. If due to the provisions of Article 6 the matter cannot be decided on at that meeting, it shall be placed on the agenda for the following meeting.

Where it is established that the distribution of the proposal is known to all Members, the proposal shall be deemed to be agreed to by the College at the end of the time limit set for the submission of comments, provided that by that time at least three Members have expressed their approval of the proposal and that no request has been made that the proposal be discussed at a meeting. An agreement shall be recorded in the minutes of the next meeting.

*Article 15*

Subject to the principle of collegiate responsibility being respected in full, the College may empower a Member to take, in its name and subject to its control, clearly defined measures of management or administration and to adopt the definitive text of a decision the substance of which has been determined by the College. Before periods during which a sufficient number of Members to constitute a quorum will not be on duty, one or more Members shall be authorized to take any urgent decision that may be required.

Officials may also be empowered to take clearly defined measures of management or administration if this proves indispensable for the EFTA Surveillance Authority to properly fulfil its tasks.

Powers conferred in accordance with this Article may not be sub-delegated, except to the extent expressly laid down in the enabling decision.

The provisions of this Article shall be without prejudice to rules concerning delegation in respect of financial matters and staff administration.

CHAPTER IV

**PREPARATION AND IMPLEMENTATION OF DECISIONS**

*Article 16*

The College may assign to a Member responsibility for the preparation and implementation of its decisions in a particular field. In such cases, the department concerned shall take its instructions from that Member.

*Article 17*

The Executive Secretary shall assist the president in preparing the meetings of the College, in implementing the decision-making procedures and in ensuring, where applicable, the communication and publication of decisions of the EFTA Surveillance Authority.

To this end he/she shall ensure that the rules are complied with regarding preparation and submission of documents which the Members are to consider and shall, where applicable, take the necessary steps to ensure official notification of decisions of the EFTA Surveillance Authority and their publication in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.

*Article 18*

Legal instruments adopted by the College, at a meeting or by written procedure, shall be authenticated in the language or languages in which they are to be authentic by the signature of the President and the countersignature of the Member designated in accordance with Article 16 or, where no such designation has been made, of the Executive Secretary.

The texts of such instruments shall be annexed to the minutes in which their adoption is recorded.

*Article 19*

Legal instruments adopted by delegation procedure shall be authenticated in the language or languages in which they are to be authentic by the signature of the Member of official empowered, and the countersignature of the Executive Secretary.

**CHAPTER V****DEPUTIZING***Article 20*

If the President or another Member is prevented from exercising his functions, they shall be exercised by one of the other Members chosen in the order laid down by the College.

*Article 21*

Save as otherwise decided by the College, where a Director or the Executive Secretary is prevented from exercising his/her functions or duties, they shall be exercised by a subordinate official in the order laid down by the Director and the Executive Secretary, respectively.

**CHAPTER VI****FINAL PROVISION***Article 22*

These Rules of Procedure, which are authentic in the English language, shall be published in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.

Done at Brussels, 7 January 1994.

*For the Surveillance Authority*

*The President*

**Knut ALMESTAD**